

United States District Court
DISTRICT OF DELAWARE

UNITED STATES OF AMERICA

v.

LUKE GATLIN
(Howard R. Young Correctional Facility)

Criminal Complaint

Case NUMBER: 06- 24M-MPT

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief.

On or about Feb. 9, 2006 in New Castle County, in the District of Delaware, defendant(s) did

(Track Statutory Language of Offense)

knowingly possess a firearm, in or affecting interstate commerce, after having been convicted of a felony,
in violation of Title 18 United States Code, Section(s) 922(g)(1)

I further state that I am a(n) Special Agent and that this complaint is based
Official Title

on the following facts:

See attached Affidavit of Jason M. Kusheba.

Continued on the attached sheet and made a part hereof: Yes

Jason Kusheba
Signature of Complainant
Jason M. Kusheba
Special Agent

Sworn to before me and subscribed in my presence,

February 17, 2006 at
Date

Honorable Mary Pat Thyng
United States Magistrate Judge
Name & Title of Judicial Officer

Wilmington, DE
City and State

[Signature]
Signature of Judicial Officer



I, Jason M. Kusheba, being duly sworn, state as follows:

1. I am a Special Agent with the Bureau of Alcohol, Tobacco, Firearms and Explosives ("ATF") and have been so employed for approximately four and a half years. Your Affiant is currently assigned with the Operation Disarm Task Force and has been so assigned since October 2003. During your Affiant's law enforcement career, your Affiant has participated in over 100 investigations of firearms crimes. I have been employed as a law enforcement officer in various capacities since 1997.
2. On or about February 9, 2006, members of the Wilmington Police Department (WPD), obtained information from a past proven, reliable informant, describing a black male known to him or her as "Luke," in possession of a firearm in the area of 30th and Market Streets, Wilmington, DE. The informant further described this individual as wearing a black hooded jacket, a Cubs baseball cap, and black jeans.
3. Acting on the above information, Wilmington Police and Delaware State Probation and Parole officers arrived on the scene and observed an individual matching the subject's description who was then taken into custody. During a search of the subject an F.I.E. Titan, .25-caliber pistol, serial number 228925, was found in his right front jacket pocket. The subject was identified as Luke Gatlin.
4. On the same date, your Affiant participated in an interview of Gatlin. After being advised of his rights, and waiving them, Gatlin stated that earlier on the same date he had been robbed at gunpoint in the area of 27th and Washington Streets. Gatlin then stated that after being robbed, he received the firearm from an unknown black male who brought it to him at 28th and Market Streets. Gatlin also acknowledged that he is a convicted felon and that he is not allowed to possess firearms.
5. Your Affiant has reviewed Gatlin's criminal history in the Delaware Justice Information System (DELJIS), which showed that on or about January 24, 2005, Gatlin pled guilty to Possession with Intent to Deliver a Controlled Substance, a felony, in the New Castle County Superior Court, Delaware.
6. Your Affiant knows from his training and experience that no F.I.E. Titan pistols have been manufactured in the state of Delaware, and therefore it would have affected interstate commerce as it must have crossed state lines in order for it to have been recovered in Delaware.
7. Based on the foregoing facts, your Affiant submits that there is probable cause to believe that Luke Gatlin has committed a violation of Title 18 United States Code, Section 922(g)(1), Felon in Possession of a Firearm, and therefore respectfully requests that the court issue a complaint and arrest warrant for Gatlin.


Special Agent Jason M. Kusheba

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